IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

TUESDAY, THE 2ND JANUARY 2007 / 12TH POUSHA, 1928

WP(C).No. 219 of 2007(A)

PETITIONER:

LEELAKUMARI, AGED 38,
W/O.PRADEEPKUMAR,
OTTUKUNNEL HOUSE, CHITTADY P.O., CHOTTY,
PARATHODE.

BY ADV. SRI.LIJI.J.VADAKEDOM

RESPONDENTS:

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1. VAZHOOR FARMERS SERVICE CO-OP. BANK LTD., REP. BY ITS SECRETARY, OFFICE OF THE VAZHOOR FARMERS SERVICE CO-OP. BANK, PULICKAL KAVALA P.O., VAZHOOR.

2. THE ASSISTANT REGISTRAR OF CO-OP. SOCIETIES, OFFICE OF THE ASSISTANT REGISTRAR OF CO-OP. SOCIETIES, CHANGANASSERY.

3. SPECIAL SALE OFFICER, KANGAZHA SERVICE CO-OP. BANK GROUP, OFFICE OF THE ASSISTANT REGISTRAR OF CO-OP. SERVICE SOCIETIES, CHANGANASSERY.

BY GOVT. PLEADER SRI.P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M. JAMES, J.

W.P.(C) No. 219 of 2007

Dated this the 2nd January, 2007.

J U D G M E N T

The writ petitioner is one of the legal heirs of the defaulter, her late father. The writ petitioner along with other children has succeeded to the estate of the original loanee, the defaulter. Because of the default amounting to Rs.8,07,239/=, sale notice has been issued. The sale is scheduled to be held on 5.1.2007 at 12 p.m. Hence this writ petition praying that a portion of the amount had already been remitted, and the writ petitioner is prepared to remit the balance amount, if an one time settlement facility is allowed, as per the representation given by the writ petitioner, before respondents 1 to 3, Ext.P2 being one of such representations, dated 18.12.2006, filed before the first respondent.

2. I heard the arguments advanced by the learned counsel appearing for the writ petitioner, as well as the learned Senior Government Pleader.

3. Considering the circumstances of the case, I direct the writ petitioner to approach the first respondent within 10 days from today. The first respondent shall hear the writ petitioner and grant her the benefits of Circular No.59/2006 dated 30.11.2006, and pass orders, on merit. This shall be done within one month from the date of production of a copy of this judgment.

4. Once the final order is passed on the representation for one time settlement, the writ petitioner shall abide by the same. Till orders are passed on the request for one time settlement, there shall be stay of Ext.P1 auction sale notice, dated 22.11.2006, scheduling the sale of the property on 5.1.2007.

The writ petition is disposed of as above.

J.M. JAMES,
JUDGE

nj.